

VIRGINIA:

IN THE COURT FOR WILLIAMSBURG/JAMES CITY COUNTY

MARILYN V. SUNDAY,

Plaintiff,

v.

Case No.: CL11-835

7-ELEVEN, INC.,

Defendant.

ANSWER

COMES NOW the defendant, 7-Eleven, Inc., by counsel, and in response to plaintiff's Complaint filed herein states as follows:

1. That with regard to Paragraph One (1) of plaintiff's Complaint, this defendant admits that it is a corporation properly qualified to conduct business in the Commonwealth of Virginia, and that it is the operator of the 7-Eleven store located at or near 1800 Jamestown Road, Williamsburg, Virginia.

2. That Paragraph Two (2) of plaintiff's Complaint is a statement of law not requiring a response at this time. To the degree a response is required, this defendant denies the allegations contained therein and strict proof thereof is demanded.

3. That Paragraph Three (3) of plaintiff's Complaint is a statement of law not requiring a response at this time. To the degree a response is required, this defendant denies the allegations contained therein and strict proof thereof is demanded.

4. That with regard to Paragraph Four (4) of plaintiff's Complaint, this defendant denies the allegations contained therein and strict proof thereof is demanded.

5. That with regard to Paragraph Five (5) of plaintiff's Complaint, this defendant denies the allegations contained therein and strict proof thereof is demanded.

6. That with regard to Paragraph Six (6) of plaintiff's Complaint, this defendant denies the allegations contained therein and strict proof thereof is demanded.

7. That with regard to Paragraph Seven (7) of plaintiff's Complaint, this defendant denies the allegations contained therein and strict proof thereof is demanded.

8. That this defendant denies that it is indebted to the plaintiff in the amount of TWO HUNDRED FIFTY THOUSAND AND 00/100 Dollars (\$250,000.00), or in any amount.

9. This defendant will rely on the defenses of contributory negligence, assumption of the risk and/or open and obvious condition.

10. That this defendant reserves its right to assert additional defenses to this cause, affirmative or otherwise, if it is later determined that such defense is available to it.

11. To the extent that any allegation is not specifically admitted, it is denied.

12. This defendant demands a trial by jury.

WHEREFORE, the defendant, 7-Eleven, Inc., prays that this court dismiss the Complaint filed by the plaintiff, and enter judgment in favor of the defendant, allowing it attorney's fees and costs in this behalf expended.


7-ELEVEN, INC.

By: Randall Lenhart
Counsel

David L. Dayton, Esq. (VSB No. 31177)
Randall C. Lenhart, Jr., Esq. (VSB No. 71207)
KALBAUGH, PFUND & MESSERSMITH, P.C.
555 East Main Street, Suite 1200
Norfolk, Virginia 23510
(757) 623-4500
(757) 623-5700 (facsimile)

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing document was mailed, postage prepaid, this 22nd day of December, 2011, to John B. Gaidies, Esquire, Joynes & Gaidies Law Group, P.C., 564 Lynnhaven Parkway, Virginia Beach, VA 23452, *Counsel for the plaintiff*.

A handwritten signature in black ink, reading "Randall C. Lenhart, Jr.", written over a horizontal line.

Randall C. Lenhart, Jr.